

### REMARKS

Claims 1-18 are pending in the above-identified application, of which claims 7-12 are withdrawn. In the Office Action dated June 16, 2006, the Examiner rejected claims 1-8 and 13-18 under 35 U.S.C. §102(e) as allegedly being unpatentable over *Kishi, et al.* ("*Kishi*."). Applicants respectfully traverse the rejection and address the Examiner's disposition below.

Referring to Applicants' Figure 3A as an illustrative example, independent claims 1 and 13, each as amended, each claim subject matter relating to a first wiring and a second wiring 12 intersecting three-dimensionally with the first wiring. A storage cell 13 is positioned at an intersecting area of the first wiring and the second wiring 12 for writing/reading information of a magnetic spin. The second wiring 12 overlaps and contacts onto an upper surface of the storage cell 13. A sidewall portion of the second wiring 12 electrically connects to the upper surface of the storage cell and has a forward tapered shape having a lower portion 12S overlapping onto the upper surface and having a contact angle relative to the upper surface of the storage cell 13 being 45 degrees or more and an upper portion having an angle relative to the upper surface of the storage cell being less than 45 degrees and greater than 0 degrees.

As described in Applicants' specification, Applicants' claimed second wiring having the claimed upper and lower portions provides an improved coercive force ( $H_c$ ). Specification page 11, line 28 - page 12, line 12.

This is clearly unlike *Kishi*, which fails to disclose or suggest a second wiring that overlaps and contacts onto an upper surface of a storage cell with a forward tapered shape. As clearly shown in *Kishi* Figure 15, *Kishi's* second wiring 60 completely covers an entire upper surface of *Kishi's* storage cell 10. *Kishi's* second wiring 60 does not overlap onto its storage cell 10, because second wiring 60 completely covers the storage cell 10. Further, *Kishi's* second

wiring 60 does not have a lower portion overlapping onto the upper surface of the storage cell 10 and having a contact angle of 45 degrees or more. As clearly shown in *Kishi* Figure 15, *Kishi's* second wiring 60 does not have a lower portion that overlaps onto the upper surface of storage cell 10.

For at least these reasons, *Kishi* fails to disclose or suggest claims 1 and 13.

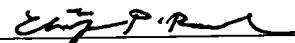
Claims 2-4 and 14-16 depend directly or indirectly from claim 1 or 13 and are therefore allowable for at least the same reasons that claims 1 and 13 are allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

In view of the foregoing, Applicant submits that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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